



House of Representatives

General Assembly

File No. 494

February Session, 2022

Substitute House Bill No. 5376

House of Representatives, April 14, 2022

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING RECOVERY OF ATTORNEYS' FEES UNDER THE STATE CODE OF ETHICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 1-82 of the 2022 supplement to the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2022*):

4 (c) [If a judge trial referee finds, after a hearing pursuant to this
5 section, that there is no probable cause to believe that a public official or
6 state employee has violated a provision of this part, section 1-101bb or
7 section 1-101nn, or if the board determines that a public official or state
8 employee has not violated any such provision, or if a court of competent
9 jurisdiction overturns a finding by the board of a violation by such a
10 respondent] If (1) after a hearing pursuant to this section, the board
11 determines that a matter was brought without any substantial
12 justification, or (2) upon a subsequent appeal of the board's decision, a
13 court of competent jurisdiction determines that a matter was brought

14 without any substantial justification, the state shall pay the reasonable
15 legal expenses of the respondent as determined by the Attorney General
16 or by the court, if appropriate. If any complaint brought under the
17 provisions of this part, section 1-101bb or section 1-101nn is made with
18 the knowledge that it is made without foundation in fact, the respondent
19 shall have a cause of action against the complainant for double the
20 amount of damage caused thereby and, if the respondent prevails in
21 such action, the respondent may be awarded by the court the costs of
22 such action together with reasonable attorneys' fees.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2022	1-82(c)
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Statement of Legislative Commissioners:

Subdiv. (2) was rewritten for clarity.

GAE *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Comptroller - Adjudicated Claims Account	GF - Potential Savings	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill narrows the circumstances under which the state must pay reasonable attorneys' fees in proceedings brought against public officials or state employees under the code of ethics. Current law does not limit the amount of attorneys' fees that the state is liable for; thus, capping attorneys' fees may result in potential savings to the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5376*****AN ACT CONCERNING RECOVERY OF ATTORNEYS' FEES UNDER THE STATE CODE OF ETHICS.*****SUMMARY**

This bill narrows the circumstances under which the state must pay reasonable attorneys' fees in proceedings brought against public officials or state employees under the ethics code. Under the bill, the state must pay these fees if the matter was brought without substantial justification, as determined by (1) the Citizen's Ethics Advisory Board (CEAB) after a hearing or (2) a court handling an appeal of the board's decision.

Under current law, the state must pay reasonable attorneys' fees for respondents if (1) a judge trial referee finds, after a hearing, that there was no probable cause of an ethics code violation; (2) CEAB determines that there was no code violation; or (3) a court overturns the board's finding of a violation.

EFFECTIVE DATE: October 1, 2022

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 19 Nay 0 (03/29/2022)